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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 KIRK ALEXANDER CURLS,

8 Plaintiff,

9 v.

10 CLARK COUNTY SCHOOL DISTRICT, *et*
11 *al.*,

12 Defendants.

Case No. 2:16-cv-02572-RFB-GWF

**ORDER ADOPTING REPORT &
RECOMMENDATION OF MAGISTRATE
JUDGE GEORGE FOLEY, JR.**

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14 **I. INTRODUCTION**

15 Before the Court for consideration is the Report and Recommendation of the Honorable
16 George Foley, Jr., United States Magistrate Judge, entered December 8, 2017. ECF No. 12.
17 Plaintiff sought to object on December 22, 2017. ECF No. 13. For the reasons discussed below,
18 the Report and Recommendation is adopted in full and the Clerk of Court is instructed to close this
19 case.

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21 **II. BACKGROUND**

22 Plaintiff filed a complaint and application for leave to proceed in forma pauperis on
23 November 4, 2016. ECF No. 1. On December 8, 2017, Magistrate Judge George Foley, Jr. granted
24 the application for leave to proceed in forma pauperis and recommended dismissing the complaint.
25 ECF No. 12.

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27 **III. LEGAL STANDARD**

28 A district court “may accept, reject, or modify, in whole or in part, the findings or

1 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific
2 written objections to the findings and recommendations of a magistrate judge. 28 U.S.C.
3 § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is
4 required to “make a de novo determination of those portions of the report or specified proposed
5 findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local
6 Rule IB 3-2(b).

7 8 **IV. DISCUSSION**

9 In his Report and Recommendation, Magistrate Judge Hoffman found that Plaintiff lacked
10 federal jurisdiction for his claim. Magistrate Judge Hoffman found that while Plaintiff could
11 amend his complaint to assert a Title VII action against Clark County School District, to do so
12 would be duplicative of claims pending in case numbers 2:15-cv-01461-APG-NJK and 2:16-cv-
13 00979-JAD-PAL.

14 On December 22, 2017, Plaintiff sought to object and requested an extension of the
15 deadline to brief his disagreement but did not state how much time would be needed. The Court
16 neither granted nor denied the extension and Plaintiff has not submitted any additional filings. The
17 Court finds that even reviewing the entirety of the Magistrate Judge’s report de novo, the
18 recommended outcome is appropriate.

19 The Court agrees with Magistrate Judge Hoffman’s findings. Plaintiff alleged state law
20 claims against thirteen employees of the Clark County School District. Because Plaintiff does not
21 present a federal question nor allege diversity, the Court lacks subject matter jurisdiction over
22 Plaintiff’s claims. The Court has reviewed the docket in case number 2:16-cv-00979-JAD-PAL.¹
23 In that pending case, Plaintiff asserts a Title VII action against Clark County School District for
24 alleged national origin discrimination and retaliation arising from the same set of facts as the
25 present matter. The Court therefore concurs that to allow amendment in this case would create
26 duplicative litigation and therefore any attempt by Plaintiff to correct the jurisdictional deficiencies
27 would be futile.

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¹ Plaintiff has voluntarily dismissed his claims in case number 2:15-cv-01461-APG-NJK.

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V. CONCLUSION

IT IS HEREBY ORDERED that the Report and Recommendation (ECF No. 28) is ADOPTED in full. Plaintiff's complaint is dismissed for failure to state a claim upon which relief may be granted and because it is duplicative.

IT IS FURTHER ORDERED that the Clerk of the Court is instructed to close the case.

DATED this 25th day of January, 2019.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE